

City of Milpitas, California

Budget # _____
Refer # _____BUDGET CHANGE FORM

21

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:				
<input checked="" type="checkbox"/> Budget Appropriation	311-9514186153760	\$497,538	311-951418614800	\$39,065
			311-951418644800	\$100,000
			311-951418654800	\$200,000
<input type="checkbox"/> Budget Transfer			311-951418674800	\$158,473

Explain the reason for the budget change:

The Abel/Calaveras Right Turn Lane CP 4186 is included in the current five-year Capitol Improvement Program. When completed, this project will provide a right turn lane from northbound Abel Street to eastbound Calaveras Blvd.

This amendment will fund the additional engineering and relocation work, including the purchase of a new box (previously thought to be reused and therefore not included in the initial payment to PG&E), to relocate the PG&E facilities within the project area. This amendment will also fund additional services to be provided by Korve Engineering for (1) the design of Right Turn Lane at Abel/Calaveras due to lengthy Caltrans permit process resulting from the closure of the Caltrans San Jose office during the permit review process for this project, including a rebid of the project, and (2) the design of a recycled water line to be installed to accommodate the future Abel Street landscaping project.

This amendment will be funded from the KB Development Agreement, which provides for a cost sharing of \$1,000,000 for traffic mitigations along Calaveras Blvd. including work to be done by this project..

Approve an appropriation of \$497,538 from the KB Development Agreement to Abel/Calaveras Right Turn Lane CP 4186.

☒ Check if City Council Approval required.

Meeting Date: February 15, 2005

Itemization of funds, if needed:			Amount
Requested by:			
Division Head:			Date:
Department Head:			Date:
Reviewed by:	Finance Director: <i>Am C Karl</i>		Date: <i>2/8/05</i>
Approved by:	City Manager:		Date:
Date approved by City Council, if required:			Confirmed by:

Pacific Gas and Electric Company
**Agreement to Perform
Tariff Schedule Related Work**

DISTRIBUTION:
☐ APPLICANT (Original)
☐ DIVISION (Original)
☐ ACCTG. SVCS.

REFERENCE:
PM: 30424233
REF: 101603649
Brian Tonegato

City of Milpitas, A Governmental Agency, (Applicant) has requested **PACIFIC GAS AND ELECTRIC COMPANY**, a California corporation (PG&E) to perform the tariff schedule related work as located and described in paragraph 3 herein.

PG&E agrees to perform the requested work and furnish all necessary labor, equipment, materials and related facilities required therefor, subject to the following conditions:

1. Whenever part or all of the requested work is to be furnished or performed upon property other than that of Applicant, Applicant shall first procure from such owners all necessary rights-of-way and/or permits in a form satisfactory to PG&E and without cost to it.
2. Applicant shall indemnify and hold harmless PG&E, its officers, agents and employees, against all loss, damage, expense and liability resulting from injury to or death of any person, including but not limited to, employees of PG&E, Applicant or any third party, or for the loss, destruction or damage to property, including, but not limited to property of PG&E, Applicant or any third party, arising out of or in any way connected with the performance of this agreement, however caused, except to the extent caused by the active negligence or willful misconduct of PG&E, its officers, agents, and employees. Applicant will, on PG&E's request, defend any suit asserting a claim covered by this indemnity. Applicant will pay all costs that may be incurred by PG&E in enforcing this indemnity, including reasonable attorneys' fees.
3. The location and requested work are described as follows: *(Describe in detail the materials and facilities to be furnished and/or work to be performed by PG&E. If more space is required, use other side and attach any necessary drawings as Exhibits A, B, C, etc.):*

LOCATION: Right Turn Lane, Abel St. at Calaveras Blvd., Milpitas CA

DESCRIPTION OF WORK: Relocate one electric vault, (lower box 6 inches and move 1.5 ft East) and three street light services to accommodate the City of Milpitas' (addition) Right turn lane from Abel St to Calaveras Blvd improvement project.

Value of Relocation / Rearrangement Facilities	\$14,233.27	
Engineering and Administrative costs	\$7,810.17	
SUB TOTAL	22,043.44	
Plus ITCC@ 34%	7,494.77	
TOTAL DUE:		\$29,538.21

* Includes Income Tax component of Contribution (ITCC) in the amount of 34% for electric facilities and 35% for gas facilities.

4. Applicant shall pay to PG&E, promptly upon demand by PG&E, as the complete contract price hereunder, the sum of TWENTY NINE THOUSAND FIVE HUNDREDTHIRTY EIGHT AND 21/100 dollars (\$29,538.21).

Upon completion of requested work, ownership shall vest in: ☒ PG&E ☐ Applicant

Executed this _____ day of _____ 2005.
(Date to be executed by PG&E)

City of Milpitas
Applicant

By: _____

Greg Armendariz
(Print/Type Name)

Title: City Engineer

Mailing Address:
455 E. Calaveras Blvd.
Milpitas, CA 95035

PACIFIC GAS & ELECTRIC COMPANY

BY: _____

Kelly Ball
(Print/Type Name)

Title: SERVICE PLANNING SUPERVISOR

DRAFT

**AMENDMENT TO AGREEMENT
FOR CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this ____ day of _____, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and Korve Engineering (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional Engineering services for Right Turn Lane at Abel and Calaveras project, (Project No. 4186), on January 4, 2000; and

WHEREAS, the parties entered into an agreement amendment to allow CONSULTANT to provide additional professional engineering and right-of-way services for Right Turn Lane at Abel and Calaveras.

WHEREAS, the parties desire to amend the agreement to allow the consultant to provide additional professional engineering services including revision to 100% plans to accommodate Caltrans comments, additional coordination with Caltrans for issuance of permit, preparation of second bid PS&E, and design of fire line relocation and recycled water line, and additional services during bidding and construction.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The first sentence in Subsection 1.1, entitled "Term of Services" is amended to read:

The term of this Agreement shall begin on the date first noted above and shall end on June 1, 2005.

2. Section 1, entitled "Services" is amended by adding Exhibit "A-2", which is attached hereto and incorporated by reference herein.
3. Section 2, entitled " Compensation " is amended to add Exhibit "A-2", which is attached hereto and incorporated by reference herein. Section 2 is further amended by adding the following to the end of the Section:

The compensation for the services set forth in Exhibit "A-2" is a "not to exceed" amount. The total maximum amount of compensation to be paid for tasks outlined in Exhibit "A-2" shall be \$39,065.00, as outlined in Exhibit B-2 "Fee Estimate".

4. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated March 29, 2002, between Korve Engineering and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.
5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

City Engineer as to content

City Manager

City Attorney as to Form

ATTESTED BY:

City Clerk

20 January 2005

RECEIVED

JAN 21 2005

**CITY OF MILPITAS
ENGINEERING DIVISION**

Julie Waldron
City of Milpitas, Engineering Division
455 E. Calaveras Blvd.
Milpitas, CA 95035

Project: CIP 4186 -- Right Turn Lane at Abel/Calaveras

Subject: Request for Additional Budget

Julie:

As you are aware, we have submitted bid documents for the Right Turn Lane at Abel Street / Calaveras Blvd. Project and have obtained Caltrans approval through the encroachment permit process. During the course of finalizing the documents and obtaining final approvals, we have performed tasks outside our contract scope of work. These additional tasks were performed with verbal and written direction from the City with the primary objective of finalizing the bid documents and obtaining the Caltrans encroachment permit to allow construction to be completed within the project funding deadlines.

Each of the tasks below is identified as being outside the contract scope of work. As many of these tasks have been completed, the fee estimates represent actual expenditures to complete these tasks. In addition, as the project is entering the construction phase, we have also included in this revised scope a fee estimate to provide services during construction.

Task C.1.0 -- Preparation of Plan Changes After 100% and Addendum

Modifications and an addendum to the plans were prepared after the 100% design plans were submitted. Our memorandum of understanding sent to Tom Yousch on July 12, 2004 outlines and summarizes items of work requested by the City that resulted in modifications to the project plans prior to bidding. As noted in the memorandum, these requested items are outside our current scope of work and were performed using existing budget allocated for Caltrans coordination. The work tasks performed under this request included the following:

- Elimination of the pork chop island in the southeast corner of the intersection and extend chevron striping in the island area;
- Modification to the type of curb at the return at the former Carlo Street to allow for emergency vehicle access;
- Removal of roadway and drainage improvements at the Carlo Street turnaround;
- Include the provision of removable bollards and appropriate signage at the southeast curb return and provide conform paving detail to allow emergency vehicle access;

A California Corporation

With offices in:

155 Grand Avenue, Suite 400
Oakland, CA 94612
510-763-2929
510-834-5220 Fax

Los Angeles
San Jose
San Bernardino
Salt Lake City

- Realignment of the crosswalks at the southeast corner and adjustment of curb ramp location;
- Change roadway section to full-depth asphalt concrete;
- Prepare schematic of the recycled water line location under sidewalk;
- Modification of the SBC Pacific Bell wall layout to accommodate the relocation of the FDC and PIV.

The additional cost incurred to perform the work reflected in Task C.1.0 is estimated at \$6,920.

Task C.2.0 – Additional Caltrans Coordination

The original encroachment permit application was submitted to Caltrans in June 2004. Kolve's contract included one round of reviews by Caltrans. Comments on this first submittal were received and responded to in August 2004. Subsequent submittals were made to Caltrans in September and October 2004. Additional costs were incurred as supplementary comments were made on the subsequent submittals that were not noted in the prior submittals. In addition, coordination and plan modification was required resulting from comments from right-of-way and the electrical reviewers.

The additional cost incurred to perform the work reflected in Task C.2.0 is \$6,160.

Task C.3.0 – Preparation of Second Bid Set

Additional costs were incurred to prepare an additional plan set, as a result of the re-bidding of the project. During the original bidding phase, two separate sets of plan drawings and estimates were being developed; one plan set for bidding and one plan set for Caltrans encroachment permit review. This was done in order to obtain the encroachment permit expeditiously, while allowing the project to go out to bid. Under this task, the incorporation of Caltrans comments to the second set of bid drawings was performed to combine the two sets of drawings into one final set for issuance of the encroachment permit and for re-bidding.

The additional cost incurred to perform the work reflected in Task C.3.0 is \$1,450.

Task C.4.0 – SBC Pacific Bell FDC / PIV Relocation and Recycled Water Line

Kolve has retained the services of LFR Levine Fricke (LFR) to prepare design documents for the relocation of the fire water service line, FDC and PIV at the SBC Pacific Bell property located at the intersection of Abel Street and Carlo Street. FDC / PIV relocation and provisions for recycled water supply line was not included or anticipated in the contract scope of work. The detailed scope and fee of LFR's work was transmitted to the City under separate cover on 10/13/04, and a summary is provided below:

- C.4.1 Site Visit and Coordination

- Includes one site visit for field investigation of the fire line to be relocated. LFR coordinated with the City of Milpitas Fire Department and Building Department to determine fire protection service requirements. LFR also coordinated with the design team to incorporate the proposed fire line improvements into the contract drawings.
- C.4.2 Fire Service Flow Information
 - Investigation of hydrant flow test information from the City of Milpitas. Also included was determination of the required flow and residual pressure requirements at the existing building to meet the building sprinkler system demands.
- C.4.3 Hydraulic Analysis
 - Based on the flow test information and sprinkler system demands above, a hydraulic analysis was prepared by a licensed fire protection engineer to determine sizing requirements of the new fire service.
- C.4.4 Utility Plans and Specifications
 - Work performed under this subtask included the preparation of a utility plan to include the horizontal location and sizes of the relocated fire service improvements and the recycled water line improvements. Specifications were prepared to support the fire service and recycled water improvements.

The additional cost incurred to perform the work reflected in Task C.4.0 is \$14,390.

Task C.5.0 – Caltrans Plat Map and Legal Description

Plat maps and legal descriptions have been prepared to acquire street right-of-way from the property owners along Abel Street. However, because a portion of the acquired right-of-way at the SBC Pacific Bell property needed to be conveyed from the City of Milpitas to the State of California, an additional plat map and legal description was required. This plat map and legal description was subject to review and approval by Caltrans and followed the procedure and format requested by Caltrans.

The additional cost incurred to perform the work reflected in Task C.5.0 is \$2,625.

Task C.6.0 – Services During Bidding

Services performed under this task include the preparation of clarifications to the drawing set for issuing addenda during the bidding process and attendance at a pre-bid conference. Also included is responding to questions during the bidding process in writing to the City.

The additional cost incurred to perform the work reflected in Task C.6.0 is \$1,480.

Task C.7.0 – Services During Construction

Services performed under this task during the construction phase of the project include review of documents such as RFI's, submittals and shop drawings, and field changes.

Also included under this task is attendance at construction-related meetings such as field meetings and the pre-construction meeting. Design changes that arise that require issuance of revised drawings or details is assumed to include minor modifications and clarifications in response to RFI's. An additional fee estimate may be required if major changes to the original design concept occur during construction. Although the preparation of as-built drawings is not included in this scope, Korve will provide a separate fee estimate for as-built drawings if requested by the City.

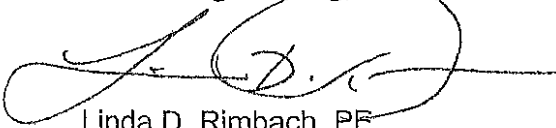
Included in this scope is the review of up to ten (10) RFI's, five (5) submittals, and attendance at two (2) field meetings.

The estimated fee to perform Task C.7.0 is \$6,040.

Please find attached a fee estimate that itemizes the additional cost of each of the items described above. We have identified the total estimated fee for these additional services to be **\$39,065**, as shown in the attached Exhibit B-1.

We appreciate your prompt attention to this matter, and are available to speak with you regarding any questions or concerns you might have.

Sincerely,
Korve Engineering, Inc.

A handwritten signature in black ink, appearing to read 'L. D. Rimbach', is written over a horizontal line. The signature is stylized with a large loop at the end.

Linda D. Rimbach, PE
Project Manager

Korve Engineering
Korve Project: 802043x0

City of Milpitas
Project # 4186 - Right Turn Lane at Abel/Calaveras

Exhibit B-1: Fee Estimate

Task	Description	Rates	Estimated Labor Hours			Total Hours	Total Cost
			Proj Supr	PM/PE	Design/CAD		
			\$ 140.00	\$ 120.00	\$ 85.00		
C.1.0	Preparation of Addendum and Plan Changes		8	20	40	68	\$ 6,920.00
C.2.0	Additional Caltrans Coordination		2	32	24	58	\$ 6,160.00
C.3.0	Preparation of Second Bid Set			5	10	15	\$ 1,450.00
C.4.0	FDC/PIV Relocation - KORVE labor only		1	5		6	\$ 740.00
C.6.0	Services During Bidding		2	10		12	\$ 1,480.00
C.7.0	Services During Construction		4	40	8	52	\$ 6,040.00
Total Labor Hours			17	112	82	211	\$22,790.00

Subtotal KORVE Labor

Tasks Performed by Subconsultants

Task	Description	
C.4.0	Prepare Fire Service Relocation and Recycled Water (LFR Levine Fricke)	\$ 3,000.00
C.4.1	Coordination and Site Visit	\$ 1,500.00
C.4.2	Flow Test Information and Sprinkler System Requirements	\$ 3,500.00
C.4.3	Hydraulic Analysis	\$ 5,000.00
C.4.4	Utility Plans and Specifications	

Subtotal Task C.4.0 \$13,000.00

C.5.0 Prepare Plat and Legal for Caltrans (HMH Engineers)

Subtotal All Subconsultants \$15,500.00
Subconsultant Handling Cost (5%) \$ 775.00
TOTAL Subconsultant Cost \$16,275.00

\$39,065.00 Grand Total

Exhibit B-2